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CHARLOTTE, N.C.
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 FOR THE
 Clerk, U.S. Dist. Court
 W. Dist. of N.C.

**Clerk, U.S. Dist. Court
W. Dist. of N.C.**

NOV 8 2005

U.S. DISTRICT COURT
W. DIST. OF NC

Plaintiff,

v.

Defendant.

Civil Action No. 5:02CV5-V

CONSENT ORDER

THIS CAUSE came on to be heard, pursuant to the consent of the parties, for entry of an order directing the Clerk to disburse the \$331,250 that Defendant Fortis Benefits Insurance Company deposited on March 11, 2005, to stay execution in this action pending completion of Defendant's appeal from this Court's September 30, 2004 Judgment.

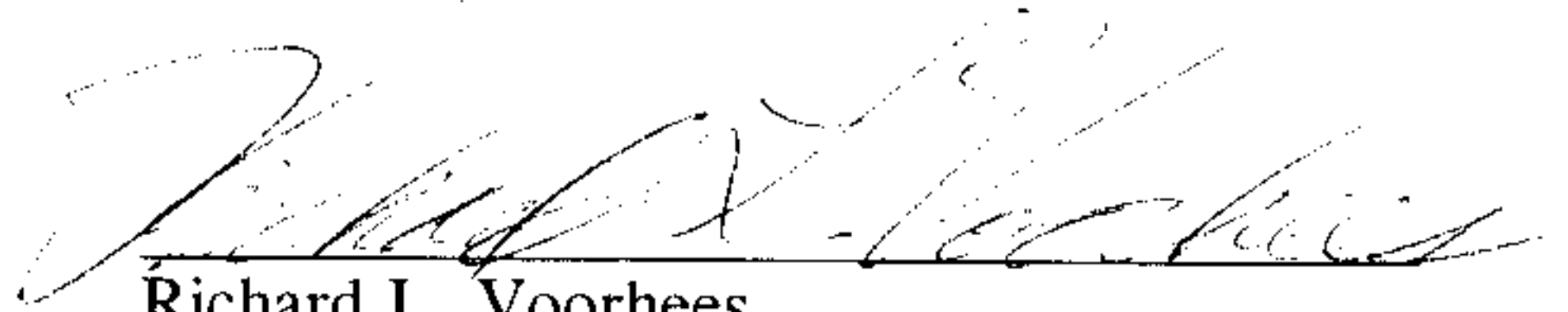
It appears to the Court from the consent of the parties that they have reached an agreement to settle this action and, as part of the settlement, wish to have the Clerk disburse the deposited funds plus any accrued interest as set forth below.

NOW, THEREFORE, it is hereby ordered that the Clerk shall disburse the funds deposited by Defendant and any accrued interest as follows:

1. \$126,340.17 to James, McElroy & Diehl, P.A., 600 South College Street, Charlotte, NC 28202, for attorneys' fees and costs;
2. \$171,784.83 to Paul Mitchell c/o James, McElroy & Diehl, P.A., 600 South College Street, Charlotte, NC 28202; and
3. The balance, including any accrued interest, to Fortis Benefits Insurance Co. c/o Garlitz & Williamson, PLLC, Suite 930, The Johnston Building, 212 South Tryon Street,

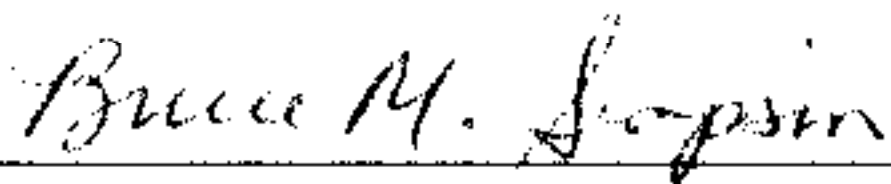
Charlotte, NC 28281.

This 8th day of November, 2005.

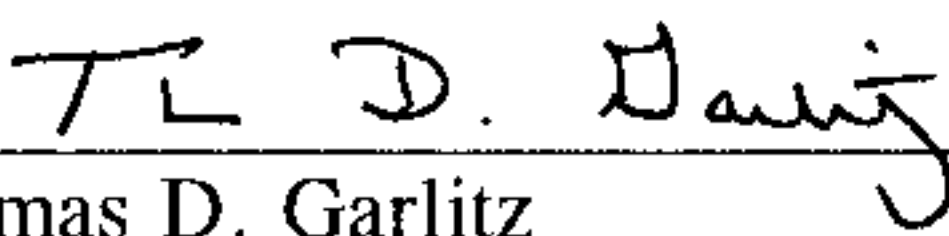


Richard L. Voorhees
United States District Judge

WE CONSENT:



Bruce M. Simpson
Attorney for Plaintiff



Thomas D. Garlitz
Attorney for Defendant